08-18-04

PATENT Attorney Docket No. 101.0094-01000

Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

Gary K. Michelson

Serial No.: 10/697,835 Filed: October 30, 2003

(Group Art Unit: 3738) (Examiner: D. Isabella)

For: ORTHOPEDIC IMPLANT SURFACE

CONFIGURATION WITH A

PROJECTION HAVING A BACK CUT)

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Mailing Label No. ED149927699US Date of Deposit: August 16, 2004

I hereby certify that:

- 1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b)
- 2. Form PTO-1449
- 3. 3 documents
- 4. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Date: August 16, 2004

Sandra L. Blackmon

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Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: August 16, 2004

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OMB 0651-0031

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Substitute for FORM PTO-1449				Attorney Docket Number 101.0094-01000				Customer No. 22882				
INFORMATION DISCLOSURE CITATION				Applicant				Application N	Application Number			
P E IN AN APPLICATION				Gary K. Michelson, M.D.				10/697,835				
(Pse several sheets if necessary)				Filing Date				Group Art Unit Examin		Examiner		
IN AN APPLICATION No. 1 1004 (Ose several sheets if necessary) Sheet 1 of 1				October 30, 2003				(3738)		D. Isabella)		
U.S. PATENT DOCUMENTS												
EXAMINER INITIAL	DOCUMENT NUMBER		DATE	DATE N		NAME CLASS		SUBCLASS	SUBCLASS FILING DAPPROP			
	2002/0068978A1		6/2002	002 Camino et al.								
	6,432,106		8/2002	Fraser								
	6,592,624		7/2003	Fraser et al.								
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		FOREI	GN PATE	NT D	OCUMEN	ITS						
	DOCUMENT NUMBER	DATE COL		TRY CLASS SUBCLA		3CLASS	TRANSLAT (YES/NO					
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. <u>.</u>	OTHER DOCUME	NTS (In	cluding Aut	thor, T	itle, Date, F	Pertin	ent Pages,	Etc.)		<u></u>		
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		.,								. <u> </u>		
EXAMINER	DATE CONSIDERED											
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.												